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LETTER DATED 7 JUNE 1994 FROM THE PERMANENT REPRESENTATIVE OF YEMEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith a statement on the situation in Yemen addressed to you by His Excellency Mr. Abdulaziz Abdul Ghani, member of the Presidential Council of the Republic of Yemen.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Abdalla Saleh AL-ASHTAL
Ambassador
Permanent Representative

Annex

[Original: Arabic]

Statement on the situation in Yemen by Mr. Abdulaziz Abdul Ghani, member of the Presidential Council of the Republic of Yemen

I am pleased to transmit to you the warm greetings of General Ali Abdullah Saleh, Chairman of the Presidential Council of the Republic of Yemen, and of the leadership and people of the country. Yemen is a country of civilization and history that is currently experiencing difficult conditions imposed on it in an attempt to deflect it from the course of proceeding with the advancement of its democratic choice on which it embarked with the establishment of the Republic of Yemen on 22 May 1990. While I am grateful to the Council for its interest in the Republic of Yemen and its concern for the country's security and stability, I should nevertheless like to convey to you on behalf of the people and Government of the country our grave concern at the manner in which the current situation there is being addressed and at the fact that it is being depicted in a way that is at variance with the true state of affairs. It is for this reason that we have come to speak in person before the Council and to place all the facts before you so that your deliberations will not be influenced by matters that bear no relation to the actual state of affairs.

You are all aware that the unification of Yemen has always been a major goal and that our people has long striven for its achievement with great human and material sacrifices. The only reason for this has been the belief of the Yemeni people that it is a single entity and that its national reunification is an indispensable step if it is to join the modern world and ensure its present and future development in such a way as to enable it to participate actively in the advancement of human civilization.

The division of Yemen between two different political entities has always met with the disapproval of the unitary Yemeni people, which never for a moment ceased to demand the unification of the country. At the same time, the division of Yemen and the existence of two political entities in a single homeland was a source of instability inside the country and within its regional setting and was a major cause of warfare on more than one occasion in the 20 years prior to the establishment of the Republic of Yemen.

With a view to bringing an end to division and promoting security and stability, talks on unification began in October 1972 and were pursued by numerous joint committees until 1989. On 30 November 1989 an agreement on definitive procedures for the achievement of unification was signed at Aden.

With the end of the cold war era, many circumstances came together to make it possible for the hope of the Yemeni people for unification to be fulfilled, and the draft Constitution of the unified State, which had been some 10 years in preparation, was ratified by the parliaments of the two formerly separate parts of the country.

The declaration of the establishment of the Republic of Yemen in a peaceful and democratic manner was thus a great victory for the people of Yemen, which deservedly received on that occasion the commendation and felicitations of all the countries of the world and, first and foremost, of the United Nations. In accordance with its procedures, the Organization acts as depositary for all of the legal instruments embodying the dissolution of the legal personalities of the two former States in Yemen and their merger in a new State, namely the Republic of Yemen, on which devolved all of the obligations previously assumed by the two former States.

In the year following unification, in mid-May 1990, a plebiscite was held on the Constitution of the Republic of Yemen, article 1 of which provides that the Republic of Yemen is an independent, sovereign State, that it is an integral unit, and that no part thereof may be relinquished. In the plebiscite, the Constitution received the assent of the people.

In implementation of the Constitution, free general elections were held in a democratic manner and on a multi-party basis on 27 April 1993. They were monitored by numerous organizations and bodies for the promotion of democracy and by representatives of local, regional and world public opinion, and they all testified to the freedom and fairness of the elections. The results were declared to be satisfactory and were accepted by all of the parties that had taken part.

In light of the election results, a coalition government was formed in which the three major parties participated, namely the General People's Congress, the Yemen Reform Group and the Yemen Socialist Party, in accordance with their proportional representation in the elected House of Representatives.

With the announcement of the results of the general parliamentary elections, in accordance with the Constitution, legitimate organs of State reflecting the freely expressed will of the people were finally in place, and thus the State of the Republic of Yemen, with a democratic political system and with its laws administered by State institutions and organs based on constitutional legitimacy, was definitively established.

All of this having been accomplished, we were surprised to find that members of the leadership of the Socialist Party who had participated with us in carrying through all of these measures were trying to impede the democratic process in the country and to restrict its progress towards reform and towards ridding the country of the residual effects of the old totalitarian system applied by the Socialist Party in the southern governorates.

The Socialist Party continues to claim, without having any right to do so and in breach of constitutionally and legally established principles, that it is entitled to exercise tutelage over the southern governorates and to act in their regard in whatever way it wishes. It is nevertheless precisely in these governorates that the population has begun to benefit from the conditions of political and economic freedom brought to them by the State of the Republic of Yemen and by its democratic system on the detritus of the practices of repression, oppression and deprivation that dominated all aspects of political

and economic life throughout the period of totalitarian rule and single-party government that preceded the establishment of the Republic of Yemen.

These few persons in the leadership of the Socialist Party tried to suspend democratic life in the country by impeding the operation of the legitimate organs of State, and primarily the House of Representatives, by refusing to be governed by the principle of the adoption of decisions by majority in accordance with the provisions of the Constitution. As a result, the process of unifying and banning party loyalties in the country's armed forces was discontinued, and this led to the unrightful retention by this group of party control over part of the armed forces. At a subsequent stage, it used this control to intimidate the legitimate organs of State in an attempt to compel them to submit to unlawful demands contrary to the country's Constitution.

In order to avert a clash and out of concern for social order, the legitimate organs of State made sincere efforts to arrive at political solutions that would preserve the country's unity, security, stability and democratic system.

The country saw a wide-ranging political dialogue between the onset of the crisis on 19 August 1993 and its end on 20 February 1994 with the signing in Jordan of the compact and agreement document by the parties to the dialogue of the Yemeni political forces. Instead of then moving on to the stage of actual implementation of the provisions of the document, however, these few persons in the leadership of the Socialist Party began to do what they had threatened to do and proceeded to issue orders, in violation of the law, for the instigation in various parts of the country of armed clashes that were such as to endanger the lives of citizens, despite all our attempts at appeasement made in partnership with a number of friends concerned for the security and stability of the Republic of Yemen.

When this group within the leadership of the Socialist Party found itself unable to achieve its goal, it resorted to the wide-scale use of force, declaring that it was in rebellion and that it wished to revert to the situation prior to 22 May 1990. In so doing, it violated the country's Constitution and rejected compliance with the legitimate State institutions stemming from the elections of 17 April 1993 of which it had previously declared its acceptance.

Thus, very briefly, is the situation in which the Republic of Yemen currently finds itself, and thus are the true reasons for that situation. Obviously, the situation is to be regarded as pertaining to the internal affairs of the Republic of Yemen. In its present form, it does not in any way constitute a danger to international peace and security in our region, and there is therefore nothing to justify the submission of the matter to the Council.

In any country, the adoption by the competent public authorities of deterrent measures to prevent a mutinous group from achieving unlawful ends by the use of armed force in violation of the law is an internal matter for the State itself. The performance by the competent public authorities of their functions in preventing armed mutiny is both an embodiment of the responsibility borne by the State towards its people under the Constitution and an active

contribution to preventing the escalation of such rebellion to the extent where it becomes a danger posing a threat to others outside its borders.

What is currently taking place in the Republic of Yemen is an attempt to dismember the territory of the State by force, and it is this that requires the legitimate organs of State to oppose this brutal attempt in accordance with its constitutional responsibilities and duties to defend the territory, independence, national sovereignty, security and stability of the State and to protect the lives and rights of its citizens.

Accordingly, it seems obvious that the attempt to bring this matter before the Security Council was based on an unrealistic appraisal and one that bears no relation to the true state of affairs. The League of Arab States considered the matter and adopted a resolution in its regard at the beginning of last month, and in its resolution it regards the issue as an internal matter for the Republic of Yemen and at the same time affirms its concern for the unity, security and stability of the country.

Clearly, the statement sometimes made that what is taking place in the Republic of Yemen is a conflict between north and south is very far from true. This is so for many reasons, and primarily because the Republic of Yemen is one State, its people is one people and its political system is based on a Constitution endorsed by the people in a plebiscite. On that basis, democratic political rights are exercised in a normal manner and citizens enjoy equality before the law in accordance with the provisions of article 27 of the Constitution, which affirms that "All citizens are equal before the law; they are equal in public rights and duties; and there is no discrimination between them on grounds of sex, colour, origin, language, occupation, social position or creed". The Government forces that are resisting the armed mutiny are made up of individuals from all regions of the country, including the southern governorates, whose sons are making an effective contribution.

It is also clear that the statement sometimes made by those hostile to unity and democracy to the effect that what is taking place in the Republic of Yemen is an attempt to impose unity by force is completely at variance with the facts. At best, it reflects ignorance of the true state of affairs in the Republic of Yemen, which is that the unification of the country as declared four years ago was achieved in a peaceful and democratic manner and that what is now happening is an attempt at armed mutiny against part of it. It is an unlawful attempt, and because of it the competent organs of State have been forced to invoke their legitimate right to preserve the existence of the State and affirm their responsibility to protect its territorial integrity.

We assure you that the unity of Yemen has always been, is now and shall continue to be a factor in the stability of the country and the region in which it finds itself and that democracy has been, is now and shall always remain the major element in the maintenance of Yemen's unity and progress.

Accordingly, any action aimed at restoring the status of Yemen to that prevailing before 22 May 1990 would return Yemen and the entire region to a climate of tension and instability and would also restore to Yemen an

authoritarian system of government and deprive it of the opportunity for progress and prosperity.

In accordance with the foregoing, we affirm that there is a national consensus on the unity of Yemen and its democratic system among the Yemeni people and its political forces and parties. These two elements represent our choice of destiny from which there will be no retreat and which we are resolved to take further regardless of the difficulties encountered. On this basis, we are prepared to continue the dialogue with moderate unionist elements in the leadership of the Socialist Party for the sake of the unity of the country and in the interests of a life of freedom, justice and equality for all its people.

It is well known and well established in international law that acts of mutiny are regarded as an internal matter falling within the domestic jurisdiction of the State concerned, that its legitimate constitutional authorities have the right to oppose all acts of mutiny and that the exercise of this right is a sovereign act. In accordance with the established norms of international law, the recognition by any State of groups or individuals that engage in acts of rebellion within any other State is an unlawful act that is incompatible with the Charter of the United Nations and constitutes an encroachment on the sovereignty of the State in question and an open interference in its internal affairs. Similarly, the involvement of any State in providing material or moral support to mutinous elements in the Republic of Yemen is to be regarded as a clear violation of the norms of international law as they relate to non-interference in the internal affairs of others. Should that happen, the Republic of Yemen would be justified in addressing that fact in the appropriate ways sanctioned by international law in the context, inter alia, of the rules of reciprocity.

The Government of the Republic of Yemen would wish that, in the context of the current internal situation in the country, the Governments of fraternal and friendly States might have regard for these considerations, for the higher national interests of the Yemeni people and for common interests that link that people with such fraternal and friendly States. At the same time, it reaffirms that what takes place in any location in the territory of the Republic of Yemen is an internal matter and that the Government of the country will address that matter in appropriate ways that preserve its territorial sovereignty and integrity. The Government of the Republic of Yemen hopes that all States will abide by the conventions and treaties in force and will observe the norms of international intercourse, including those of good neighbourliness and non-interference in the internal affairs of other States.

I hope I have provided the Council with all the facts relating to the subject under your consideration, and I am fully confident that you can only be on the side of truth in a world for the maintenance of whose security and stability you bear responsibility. We hope that the outcome of your deliberations will be in harmony with the aspirations of our people for the preservation of the unity of its country, the protection of its security and stability and the consolidation of the democratic course on which it has embarked. As you know to be its practice, we assure you that the Republic of Yemen will continue to abide by the Charter of the United Nations, the Universal Declaration of Human Rights and the recognized norms of international law, that

it will remain faithful to all of the obligations entailed by its membership of the United Nations and that it looks forward to assuming a larger role in strengthening peace and security in our region and in the world as a whole.